

REMARKS

Applicants have thoroughly considered the Examiner's remarks in the December 18, 2007 Final Office action and have amended the application to more clearly set forth aspects of the invention. This Amendment B amends claims 1, 9, 17 and 20 by incorporating the subject matters from claims 7 and 15, and claims 7 and 15 have been canceled. No new matter has been added. Therefore, claims 1-5, 8-13, and 16-20 are presented in the application for further examination. **Applicants respectfully submit that the amendments do not raise any new issues that would require new search. Rather, amendments to the independent claims present the subject matter of dependent claims 1, 9, 17 and 20. Thus, the amendments place the application in a condition for a more accurate understanding of the invention, in a condition for a more accurate prosecution of the application, and/or in a condition for appeal.** Reconsideration of the application as amended and in view of the following remarks is respectfully requested.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by US Pre-G Pub. No. 20010010076 to Wray. Applicants respectfully submit that Wray fails to disclose each and every element of the claims.

Applicants have thoroughly review the Office action and Wray and submit that the amended claims overcome the teachings of Wray for at least the following reasons.

Amended claim 1 recites, in part, "...transmitting from a first client to a previously known address of a second client, via an electronic mail protocol, a first electronic mail (e-mail) message comprising the first UID, wherein the electronic mail protocol comprises a mail server operating the Simple Mail Transport Protocol (SMTP), **wherein at least a portion of the electronic mail protocol operates securely using the Transport Layer Security (TLS) protocol...**"

The amended limitation incorporates the subject matter of claim 7, and Applicants respectfully submit that this feature is discussed or suggested by Wray. The Office relied on paragraph [0002] of Wray for support in rejecting claim 7. However, Applicants argue that paragraph [0002] of Wray merely describes what TLS stands for (see the entire paragraph reproduced below):

[0002] Security in distributed applications, particularly e-services, is considered by many to be essential for supporting commercial use of the web (World Wide Web). It is obvious that sharing important data such as credit card numbers needs to be done in a secure environment. Many web services use the SSL protocol (Secure Socket Layer) for this purpose. The SSL protocol is described in U.S. Pat. Nos. 5,657,390 and 5,825,890, and has recently been standardised by the IETF (Internet Engineering Task Force) as TLS (Transport Layer Security)-see Reference [1] in the list of references provided immediately prior to the Appendix at the end of this description.

Instead, Applicants respectfully submit that paragraph [0006] of Wray teaches away from the use of TLS:

[0006] Providing for the security protocol messages in the form of XML documents facilitates the transport of the messages; in particular, the messages can be carried over the web by an HTTP transport or even in e-mails. Thus, unlike TLS, it is not necessary to rely on TCP as a transport nor to have a respective TCP connection for each pair of securely communicating entities.

In other words, Wray attempts to avoid the use of TLS because Wray's systems "**is not necessary to rely on TCP as a transport nor to have a respective TCP connection for each pair of securely communicating entities** (emphasis added)." Wray specifically teaches away from securely using the TLS protocol and Applicants submit that amended claim 1 distinguishes over such teaching.

To the contrary, embodiments of the invention use the TLS and the popular Simple Mail Transport Protocol (SMTP) to authenticate the exchange of public information between to clients. (Specification, paragraphs [0007] and [0031]). Aspects of the invention use e-mail to send secure key exchange between two clients, and not between a client and a server that the client wishes to access. Because of the inherent high degree of confidence that a recipient of an e-mail address is not easily re-directed to somewhere else, embodiments of the invention provide a

secure and convenient means for two clients to establish a secure communication and trust the authenticity of each other.

Therefore, for at least the reasons above and argued previously, Applicants submit that Wray cannot anticipate amended claim 1. Hence, amended claim 1 is patentable and its dependent claims 2-5 and 8 are also patentable over the cited art. Therefore, the rejection of claims 1-5 and 8 under 35 U.S.C. §102(b) should be withdrawn.

Similarly, amended claim 9, incorporating the subject matter of claim 15, recite: “receiving from a first client, via an electronic mail protocol, a first electronic mail (e-mail) message comprising a first unique identifier (UID), wherein the electronic mail protocol comprises a mail server operating the Simple Mail Transport Protocol (SMTP), **wherein at least a portion of the electronic mail protocol operates securely using the Transport Layer Security (TLS) protocol...**” For at least the reasons above, Applicants submit that Wray cannot anticipate each and every element of amended claim 9. Therefore, claim 9 and its dependent claims 10-13 and 16 are patentable over the cited art. Hence, the rejection of claims 9-13 and 16 under 35 U.S.C. §102(b) should be withdrawn.

Amended claim 17 recites, in part, “transmitting from a first client to a previously known address of a second client, via an electronic mail protocol, a first electronic mail (e-mail) message comprising the first UID, wherein the electronic mail protocol comprises a mail server operating the Simple Mail Transport Protocol (SMTP), **wherein at least a portion of the electronic mail protocol operates securely using the Transport Layer Security (TLS) protocol...**” Because Wray teaches away from using e-mail messages for authenticating digital objects between two clients, Applicants submit that claim 17 and its dependent claims 18-19 are patentable over the cited art. Hence, the rejection of claims 17-19 under 35 U.S.C. §102(b) should be withdrawn.

Lastly, amended claim 20 recites, in part, “...a network interface transmitting to a previously known address, via an electronic mail (e-mail) protocol, a first e-mail message comprising the first UID, **wherein at least a portion of the electronic mail protocol operates securely using the Transport Layer Security (TLS) protocol...**” Because Wray specifically teaches away from the use of the TLS protocol as specified in paragraph [0006], Applicants submit that Wray cannot disclose or suggest each and every element of claim 20 as amended. Therefore, the rejection of claim 20 under 35 U.S.C. §102(b) should be withdrawn.

Applicants submit that the claims are allowable for at least the reasons set forth herein. Applicants thus respectfully submit that claims 1-5, 8-13, and 16-20 as presented are in condition for allowance and respectfully request favorable reconsideration of this application.

Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited aspects of the invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

Applicants wish to expedite prosecution of this application. If the Examiner deems the application to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the application in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

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